

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF SOUTH CAROLINA  
CASE NO. \_\_\_\_\_

HUCKS POOL COMPANY, INC. and  
TED HUCKS,

Plaintiffs,

vs.

COLONY INSURANCE COMPANY,

Defendant.

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**NOTICE OF REMOVAL  
(DIVERSITY OF CITIZENSHIP)  
28 U.S.C. § 1446(a)**

Defendant Colony Insurance Company (CIC) hereby gives notice pursuant to 28 U.S.C. Sections 1441, 1446, and 1367 that it has removed the action entitled “*Hucks Pool Company, Inc., et al. v. Colony Insurance Company*,” filed in the Court of Common Pleas, Fifteenth Judicial Circuit, Horry County, South Carolina, C.A. No. 2020-CP-26-03428 (the State Court Action), to the U.S. District Court for the District of South Carolina. A copy of this Notice of Removal is being filed with the Clerk of Court for the Court of Common Pleas, Horry County, South Carolina, in order to effect removal pursuant to 28 U.S.C. Section 1446(b). Pursuant to 28 U.S.C. Section 1446(d), the State Court Action shall proceed no further unless and until this case is remanded.

**Grounds for Removal**

1. The State Court Action was filed in the Court of Common Pleas in Horry County, South Carolina, on June 9, 2020. A copy of the entire contents of the Horry County file is attached hereto as **Exhibit 1**.

2. In accordance with South Carolina Code Sections 15-9-270 and 38-45-170, the Complaint was served on CIC through the South Carolina Department of Insurance, at the

earliest, on June 12, 2020. This Notice of Removal is being filed within 30 days of the date that the Complaint was first received by CIC. 28 U.S.C. § 1446(b).

3. This case is removable under 28 U.S.C. Section 1332 (Diversity of Citizenship) because CIC is a citizen of a different state than Plaintiffs Hucks Pool Company, Inc. and Ted Hucks, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See* Compl. ¶¶ 1, 2, and 4.

4. Plaintiff Hucks Pool is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business in South Carolina. *Id.* at ¶ 1. Plaintiff Ted Hucks is a citizen and resident of South Carolina. *Id.* at ¶ 2. CIC is a corporation organized and existing under the laws of Virginia, with its principal place of business in Virginia. *Id.* at ¶ 4.

5. The Complaint is titled an “Insurance Bad Faith” action and seeks recovery of actual, consequential, and punitive damages resulting from the alleged breach of the duty of good faith and fair dealings in processing a liability claim under a policy of liability insurance, Policy No. 103 GL 0010155-01, effective June 17, 2016, through June 16, 2017 (the “Policy”), issued by CIC to Hucks Pool, with liability limits of coverage of \$1,000,000 per occurrence. *Id.* at ¶¶ 8, 17–20, Exhibit A - 009. Specifically, it is alleged that CIC breached such duty in handling a liability suit filed by Jeffrey Mann captioned “*Mann v. Hucks Pool Company, Inc., et al.*,” C.A. No. 2019-CP-26-03618, pending in Horry County, South Carolina, under the Policy.

6. This case is removable under Section 1332 because CIC is a citizen of a different state than the Plaintiffs, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. Copies of this Notice are being served on all adverse parties and a copy hereof is being filed with Clerk of the Horry County Court of Common Pleas, all in accordance with the provisions of Section 1446(d).

8. A copy of the Notice of Filing of Notice of Removal to be filed in the Court of Common Pleas, Fifteenth Judicial Circuit, Horry County, South Carolina, is attached hereto as **Exhibit 2.**

WHEREFORE, CIC hereby removes the State Court Action to the U.S. District Court for the District of South Carolina.

July 13, 2020.

GOLDBERG SEGALLA LLP

/s/ David G. Harris II

David G. Harris II (S.C. Federal Bar No. 12039)

David L. Brown (N.C. Bar No. 18942)

*(pro hac vice application to be filed)*

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